



## THE OBLIGATION TO USE A HOLDER FOR ONLINE MOTORCYCLE TICKET RIDERS FROM THE PERSPECTIVE OF SADD ADZ DZARI'AH AND LAW NUMBER 22 OF 2009 CONCERNING TRAFFIC AND ROAD TRANSPORTATION

Liza Arlina<sup>1</sup>, Uswatun Hasanah<sup>2</sup>

<sup>1,2</sup>Universitas Islam Negeri Sumatera Utara, Indonesia

\*Corresponding Author: [liza0204211005@uinsu.ac.id](mailto:liza0204211005@uinsu.ac.id)

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### ABSTRACT

*The use of mobile phones without holders while driving has become a common habit among online motorcycle taxi drivers. This practice is driven by job demands that require drivers to stay connected to the ride-hailing app, navigation, and customers. However, using a phone without a holder can disrupt concentration, increasing the risk of accidents and endangering both the rider and other road users. The absence of explicit regulations mandating the use of phone holders creates a regulatory gap with potentially harmful consequences. This study aims to analyze the safety risks and impacts of using phones without holders while driving, as well as examine the urgency of enforcing holder usage obligations from the perspective of Sadd adz-Dzari'ah (Blocking the Means to Harm) and its relevance to Law No. 22 of 2009 concerning Road Traffic and Transportation. The research employs an empirical juridical approach with case study and sociological methods, collecting data through literature reviews and interviews. The findings indicate that using a phone without a holder while driving increases the risk of accidents for online motorcycle taxi drivers due to impaired concentration and vehicle control. From the perspective of Sadd adz-Dzari'ah, although using a phone without a holder is initially permissible (mubah), it leads to harm (mafsadat) and must therefore be prevented. Juridically, this practice also violates Article 106 Paragraph (1) of the Road Traffic and Transportation Law. Hence, the use of phone holders should be mandated as part of road safety standards.*

**Keywords:** Holder, Accidents, Online Motorcycle Taxi, Sadd adz-Dzari'ah, Law No. 22 of 2009

## 1. INTRODUCTION

Science and technology are developing rapidly as a tangible trace of modernization (Zahro et al., 2023). This development has significantly impacted

transportation through digital technology, particularly online applications for booking and payment (Setiasih, 2022). Online transportation services, widely known as online motorcycle taxis (ojol), use internet-based systems for ordering and require mobile phones for operations including receiving orders, finding customer locations, and navigating routes (Sulaiman, 2021).

Various platforms provide these services, such as Gojek, Grab, Maxim, and In-driver. These services not only facilitate efficient transportation choices but also create job opportunities and increase mobility (Budiarti & Yudianto, 2020). The system automatically matches bookings with the closest driver, ensuring quick and efficient pick-up processes (Wibisono & Holili, 2022).

Motorcycle taxi drivers rely heavily on GPS (Global Positioning System) as a navigation tool. GPS is an innovation that simplifies motorcyclists' lives, offering benefits such as location determination, navigation, tracking and travel time estimation (Christianto, 2020). However, despite GPS and cell phones being essential tools, not all drivers use support devices like phone holders while driving. Many online motorcycle taxi drivers still hold their phones directly while checking routes or accepting orders, which reduces concentration, restricts mobility, and potentially leads to accidents.

In Stabat area, the presence of online motorcycle taxis is increasingly visible, but this increase hasn't been accompanied by full awareness of safe driving. Several accidents have occurred, including one experienced by a 46-year-old driver named Mr. Lababan, who was involved in an accident while using a cell phone while driving. This demonstrates that drivers are experiencing real risks of not using holders.

According to Article 106 paragraph (1) of the LLAJ Law, "every person driving a motorized vehicle on the road is obliged to drive the vehicle reasonably and with full concentration." Using a cell phone without a device contradicts this provision as it disrupts concentration and driving reasonableness. Minister of Transportation Regulation (Permenhub) No. 12 of 2019 concerning Safety Protection of Motorcycle Users states that application operators are obliged to guarantee user safety through driving safety attributes.

From an Islamic legal perspective, cell phone use while driving can be analyzed through the principle of *sadd adz-dzari'ah*, which blocks all means that could potentially lead to damage or harm. *Sadd adz-dzari'ah* is a method of exploring Islamic law to prevent activities that are initially permitted but could lead to prohibited outcomes (Intan Arafah, 2020). It is also interpreted as a mujtahid's attempt to determine prohibition on basically permissible legal cases (Dina Sakinah, Zulham 2022).

Ibn Qayyim divides *sadd adz-dzari'ah* into four parts. In the fourth part, he states *adz-dzari'ah* as a means that can be used but sometimes leads to damage, yet the benefit is far greater than potential harm. If the means returns to something good

(masalah) and far from evil (mudharatan), then it is recommended to take these means.

Previous studies reinforce this urgency. Research by Aflia Nur Cahayani and Abdul Basith Junaidy shows that prohibiting other activities while driving aligns with sadd adz-dzari'ah principles due to potential danger. Research by Akbar H. Ahmad Daud on Article 283 LLAJ Law implementation in Gorontalo found enforcement against online motorcycle taxi drivers remains ineffective. Meanwhile, Nurhasanah Nasution's research in Medan City revealed that law enforcement is hampered by officers' empathy regarding drivers' economic situations.

This study aims to analyze risks and safety impacts caused by not using holders among online motorcycle taxi drivers, examining the urgency of establishing holder usage obligations through sadd adz-dzari'ah perspective and its normative relevance to Law Number 22 of 2009 concerning Traffic and Road Transportation. The study is expected to contribute to developing fairer, preventive, and applicable driving safety protection laws.

## 2. RESEARCH METHOD

The type of research used in this study is empirical juridical, namely legal research that combines normative studies with the realities that occur in society. The approach used in this study is a case study approach to examine accident incidents arising from the use of mobile phones without a holder, and a sociological approach to observe social phenomena in society in order to understand the law in a social context. The data collected consists of primary data and secondary data. Primary data is data obtained through direct interviews with online motorcycle taxi drivers. Meanwhile, secondary data in legal research is divided into primary legal materials and secondary legal materials.

Primary legal materials, namely binding legal materials, in this study are Law Number 22 of 2019 concerning Traffic and Road Transportation, the Book *I'lam al-Muwaqqi 'in 'an Rabb al-'Alamin* by Ibn Qayyim Al-Jauziyyah, and the Book *Usul Fiqh Alladzi La Yasa'u Al Faqih Jahluhu* by Prof. Dr. Iyadh bin Nami As Sulmiy. While secondary legal materials are legal materials that provide explanations regarding primary legal materials (Muhaimin, 2020). The secondary legal materials in this study include the Minister of Transportation Regulation Number 12 of 2019 concerning the Protection of the Safety of Motorcycle Users Used for the Public Interest, and legal publications such as books, journals and so on.

Data collection techniques included literature review and direct interviews with several online motorcycle taxi drivers. This research was then presented in descriptive analysis after data processing. Descriptive analysis is the process of analyzing data by describing or depicting the collected data as it is without the intention of drawing general conclusions or generalizations.

### 3. RESULT AND ANALYSIS

#### ***Risk and Impact Analysis of Not Using a Holder for Online Motorcycle Taxi Drivers***

In the rapidly evolving landscape of urban transportation, online motorcycle taxis (ojek online) have emerged as a technological adaptation of traditional transportation services. These app-based services utilize mobile applications to streamline the entire service process, from booking and route tracking to payment and service evaluation, all conducted through digital platforms rather than traditional face-to-face interactions (Anisa et al., 2023). The system operates through three essential components: the application provider, the driver, and the consumer, expanding beyond passenger transport to include goods delivery and food orders in dense urban communities plagued by traffic congestion (Retnowati, 2022).

However, this technological integration has created a significant safety paradox. While driving safety has become increasingly crucial for online motorcycle taxi drivers, compliance with safe riding principles remains alarmingly low, primarily due to drivers' lack of awareness regarding the importance of safe driving. Online motorcycle taxi drivers are considered among the most vulnerable groups to traffic accidents, yet various safety violations continue to occur frequently in the field despite existing regulations (Haryanto Laisyah Shava Zein & Suherman, 2025).

The core safety challenge lies in the unavoidable necessity of mobile phone use while driving. Based on observations and interviews, the majority of drivers admit to regularly using their phones while driving for checking maps, receiving and managing orders, and communicating with customers. The app's operational system, which relies on real-time interaction, makes mobile phone use an inescapable requirement for their work. While some drivers place phones on speedometers or dashboards to facilitate navigation, under certain circumstances, such as navigating new routes or unfamiliar locations, the tendency to hold phones directly remains high. This situation is further complicated by drivers' concerns about electronic ticketing, where phones visible on dashboards on main roads risk incurring fines (Radityasani, 2020).

The problem becomes particularly acute in areas like Stabat, where uneven road conditions present unique challenges. Many road sections are riddled with potholes and bumps, requiring drivers to exercise extreme caution. In these conditions, using a cell phone without a holder significantly exacerbates accident risks, as drivers must divide their attention between avoiding road hazards and checking their phones.

The consequences of phone use without proper mounting are severe and well-documented. Various traffic accidents involving online motorcycle taxi drivers using their phones continue to emerge (Maulana, 2023). One particularly tragic example occurred near the Kramasan Toll Gate, resulting in the death of an online

motorcycle taxi driver due to cell phone use while driving. Technically, operating a cell phone while driving, especially with one hand, significantly impairs a driver's concentration and reflexes, leaving them unprepared for emergency situations.

This problem extends beyond individual cases to become a national crisis. Indonesia ranks fifth globally for traffic accidents, averaging 120 fatalities per day. According to Central Statistics Agency data sourced from the Indonesian National Police, there were 139,258 accidents recorded throughout 2022, with 28,131 fatalities and 13,364 serious injuries. The situation continues to deteriorate, with 136,320 accidents recorded by December 17, 2024, representing 91.57% of the total accidents in 2023. This data reveals an alarming increasing trend in accidents year after year, with victim numbers reaching 203,471 by the end of 2024 (Pratama Aditya, 2024).

Research indicates that drivers who use cell phones while driving have a four-fold higher risk of accidents compared to those who don't (Reza Yudhistira, 2020). Traffic accidents generally result from three main interrelated factors: human factors, vehicle factors, and road environmental factors. However, human factors remain the primary cause of traffic accidents, including poor concentration, inadequate judgment and skills, emotional disturbances, physical and personality fatigue, and lack of discipline or obedience (Jasmine, 2020).

In this critical context, phone holders present a simple yet crucial solution for ensuring motorcycle taxi driver safety. Using a holder allows drivers to maintain navigation without removing their hands from handlebars, preserve balance, and maintain focus on the road. Therefore, holder usage should become part of standard driver habits, not merely an optional accessory, to improve personal safety and that of other road users.

Despite the obvious benefits of using holders, some drivers remain reluctant to adopt them. Interviews revealed that some drivers feel they don't need holders because they're already familiar with their usual routes. However, when taking orders to unfamiliar locations, they still rely heavily on their mobile phones. Concerns about electronic ticketing penalties on main roads also contribute to their choice not to install holders permanently. This reluctance is reinforced by the fact that holder use isn't officially mandated by app companies but rather depends entirely on individual driver awareness.

Based on interviews conducted with several online motorcycle taxi drivers who previously didn't use phone holders but now regularly use them, the research concluded that phone holders significantly impact driving efficiency and safety. Drivers reported that holders eliminate the need to hold or glance at phone screens while driving. Instead, they can stay focused on the road while safely glancing at the navigation bar mounted on the holder. In terms of work efficiency, holders help drivers complete orders more quickly and accurately because they no longer need to stop to check routes, accept orders, or read customer instructions.

The evidence clearly demonstrates that while cell phones remain the most important tool for online motorcycle taxi drivers in carrying out their work, this necessity should not justify allowing unsafe phone handling while driving. The implementation of phone holders represents a practical, cost-effective solution that addresses both operational needs and safety concerns, potentially saving countless lives while maintaining the efficiency that makes online motorcycle taxi services viable in Indonesia's challenging urban transportation landscape. Traffic and road transportation systems encompass various elements that require proper management to ensure smooth operations in accordance with road users' rights and obligations (Daud & Wantu, 2023).

### ***The Urgency of Determining Holder Obligations for Online Motorcycle Taxi Drivers from the Perspective of Sadd adz-Dzari'ah and Its Relevance in the LLAJ Law***

In Islamic law, sadd adz-dzari'ah is a method of legal istinbat aimed at preventing harm or damage (mafsadah) before it actually occurs. This term is derived from two words: sadd, meaning "to close," and adz-dzari'ah, meaning "means" or "media." Etymologically, sadd can also be interpreted as the act of closing a gap, obstructing, or restraining something that has the potential to cause harm. Meanwhile, adz-dzari'ah comes from the word dzara'a, meaning to extend forward, which terminologically refers to any form of intermediary that can lead to something, whether good or bad (Jalili, 2020).

According to Al-Qarafi, the definition of sadd adz-dzari'ah is the act of blocking a path that can lead to damage, even though the original act does not contain an element of mafsadah. Al-Baji, a Maliki school of thought scholar, said that sadd adz-dzari'ah is something that can be done physically but should not be done because it leads to actions that are not permitted. (Apriani & Sahliah, 2025)

Meanwhile, according to Sheikh Abdullah bin Yusuf al-Jadi', sadd adz-dzari'ah is an effort to close the path to prohibition or corruption, even though the original action is not explicitly prohibited (Sunnatullah, 2021). In line with this, Ibn al-Qayyim al-Jauziyyah stated that dzari'ah can be something that is outwardly permitted by the Shari'ah, but because it has a strong tendency to lead to things that are haram, it must be prevented in order to avoid greater harm. In the book I'lam al-Muwaqqi 'in 'an Rabb al-'Alamin Ibn Qayyim gives the definition of adz-dzariah as follows:

وَالذَّرِيْعَةُ: مَا كَانَ وَسِيلَةً وَطَرِيقًا إِلَى الشَّيْءِ

Meaning: "Anything that is an intermediary and path to something."

In practice, this method emphasizes the importance of paying attention to the effects or impacts of an action. If it has the potential to bring good, it is encouraged, but if it has the potential to cause harm, it is prohibited. The purpose of establishing sharia law based on sadd adz-dzari'ah is to facilitate the achievement of benefits

or to reduce the possibility of harm or to avoid the possibility of sinful acts (Bahrudin, 2019).

An example of the application of sadd adz-dzari'ah in contemporary life that we can see today is the prohibition on blood donation for those who are fasting. Although blood donation is essentially permissible, if done while fasting, it can cause harm, such as invalidating the fast due to fatigue or the need to drink. Therefore, scholars prohibit it to protect the public interest (Arafah, 2020)

Muhammad Hasyim Al-Burhani divides Sadd adz-dzari'ah into three main pillars, namely al-wasilah, al-ifdha, and al-mutawassal ilaih (Ningrum & Permata, 2024). These three elements are interconnected components and are the basis for determining whether a permissible act can be prevented or prohibited because it has the potential to cause harm.

The first pillar is al-wasilah, an act that is inherently permissible and not prohibited by sharia, but can become a means to something forbidden. In the context of this research, al-wasilah is defined as the use of mobile phones by online motorcycle taxi drivers while working. Using mobile phones as navigation and communication aids in their work is essentially permissible, as it is part of the online motorcycle taxi service's working system.

Furthermore, the second pillar, al-ifdha, is a connecting element that indicates a strong suspicion that the permissible act will lead to a dangerous act (al-mutawassal ilaih). In this context, direct use of a cell phone while driving without an aid such as a holder strongly indicates that this activity can disrupt concentration, restrict movement, and ultimately increase the risk of traffic accidents. Therefore, the element of al-ifdha in this case is fulfilled because there is a strong and concrete suspicion that the permissible act will lead to mafsadat.

The final pillar, namely al-mutawassal ilaih, refers to actions that are prohibited according to Islamic law, such as traffic accidents that cause loss of life and property. In positive law, this is emphasized in Article 106 paragraph (1) of Law No. 22 of 2009, which stipulates that drivers must drive reasonably and with full concentration. If concentration is disturbed due to holding a cell phone while driving, then this has fulfilled the elements of an act prohibited by state law.

Ibn Qayyim explains the concept of sadd adz dzari'ah as follows: (Sulmiy, 2017)

وباب سد الذرائع أحد أركان التكليف؛ فإنه أمر ونهي، والأمر نوعان؛ أحدهما بمقصود لنفسه، والثاني وسيلة إلى المقصود، والنهي نوعان؛ أحدهما بما يكون المنهي عنه مفسدة في نفسه، والثاني بما يكون وسيلة إلى المفسدة؛ فصار سد الذرائع المفضية إلى الحرام أحد أركان الدين

The discussion of sadd adz-dzari'ah is one of the four foundations of Islamic law. Islamic law contains issues regarding amr (commands) and nahy (prohibitions). Commands in Islamic law are divided into two, namely: first, the objectivity or purpose of the command and second, the media to achieve the purpose of the command. Meanwhile, prohibitions in Islamic law are divided into two, namely:

first, something that is prohibited because it has the potential to lead to damage and humiliation and second, something that is prohibited because it is a means and cause of something that can cause damage. Therefore, sadd adz-dzari'ah as a concept in preventing (preventing) something that is prohibited in religion is one of the four foundations of Islamic law.

Furthermore, Ibn Qayyim divides sadd adz-dzari'ah into four levels, (Jauziyyah, 2012) that is:

الأَوَّلُ: وَسَبِيلَةٌ مَوْضُوعَةٌ لِلْإِفْضَاءِ إِلَى الْمَفْسَدَةِ  
 الثَّانِي: وَسَبِيلَةٌ مَوْضُوعَةٌ لِلْمُبَاحِ قُصِدَ بِهَا التَّوَسُّلُ إِلَى الْمَفْسَدَةِ  
 الثَّالِثُ: وَسَبِيلَةٌ مَوْضُوعَةٌ لِلْمُبَاحِ لَمْ يُقْصَدْ بِهَا التَّوَسُّلُ إِلَى الْمَفْسَدَةِ لَكِنَّهَا مُفْضِيَةٌ إِلَيْهَا غَالِبًا وَمَفْسَدَتُهَا أَرْجَحُ مِنْ مَصْلَحَتِهَا  
 الرَّابِعُ: وَسَبِيلَةٌ مَوْضُوعَةٌ لِلْمُبَاحِ وَقَدْ تَفَضَّلَ إِلَى الْمَفْسَدَةِ وَمَصْلَحَتُهَا أَرْجَحُ مَفْسَدَتِهَا

First, adz-adzri'ah as a medium that causes mafsadat (damage). Like drinking wine which causes someone to become drunk, something like that must be closed absolutely, because there is no benefit from it that can be taken. Second, adz-dzari'ah is a means that is permissible to do but is followed by a goal that leads to bad actions, such as carrying out a contract with the intention of divorcing.

Third Adz-Dzari'ah is a permissible means to be used, but not accompanied by bad intentions, but the harm it brings far outweighs the benefits. Such as performing prayer at forbidden times or cursing the God of polytheists while they are still in that place. Fourth, Adz-Dzari'ah is a permissible means, and sometimes it can lead to harm, but the benefits it brings far outweigh the harm.

According to Ibn Qayyim al-Jauziyah, the fourth level of sadd adz-dzari'ah refers to means that are essentially permissible by sharia, but under certain circumstances can lead to harm (mafsadah), even though they also have significant benefits. Therefore, the ruling on these means is determined based on the balance of benefits and harms. If the benefits outweigh the harm, then it is permissible to implement them with certain supervision or limitations. However, if the opposite is true, then it must be prevented.

Direct use of mobile phones while driving without safety in the form of a mobile phone holder is a means that has the potential to cause major harm, such as traffic accidents that endanger lives (hifz an-nafs), damage the mind due to distraction (hifz al-'aql), and even cause economic losses for both drivers and service users (hifz al-maal). In line with the definition of sadd adz-dzari'ah that has been explained previously, preventive measures are mandatory to be implemented.

The fiqh rules that can be used as a basis for using sadd adz-dzari'ah are:

دَرْءُ الْمَفَاسِدِ أَوْلَى مِنْ جُلْبِ الْمَصَالِحِ

Meaning: "Rejecting evil (mafsadah) is preferred over achieving goodness (maslahah)."



وَعَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ حَبَسَ الْعِنَبَ أَيَّامَ الْوُطَافِ حَتَّى يَبِيعَهُ مِمَّنْ يَتَّخِذُهُ خَمْرًا فَقَدْ تَقَفَّهَمُ النَّارَ عَلَى بَصِيرَةٍ (رواه الطَّبْرَانِي)

Meaning: *"From Abdullah bin Buraidah, from his father RA, he said, Rasulullah SAW has said: Whoever holds back his grapes during the harvest season until he sells it to someone who will process the grapes into khamr (liquor), then indeed he has plunged himself into hell intentionally (knowingly)." (HR At-Tabarani)*

The argument above is the argument that forms the basis of sadd adz-dzari'ah's ability to determine Islamic legal istinbat.

The partnership relationship between PT Gojek Indonesia and its online motorcycle taxi driver partners operates within a complex legal framework governing rights, obligations, partnership requirements, and occupational safety standards. Although Gojek does not explicitly mandate holder usage in its partnership documents, the principle of protecting occupational safety forms a fundamental responsibility imposed on driver partners, serving as a crucial basis for proposing mandatory holder requirements.

The partnership agreement between PT Gojek Indonesia and driver partners is executed entirely through electronic means, eliminating face-to-face meetings. Prospective partners simply download the Gojek application and agree to terms by clicking "agree." This electronic structure confirms that contracts were drafted unilaterally by Gojek and must be accepted entirely by joining partners. The agreement's first section establishes general provisions defining key terminology including partners, applications, digital wallets, and jurisdictions. The collaborative relationship section explicitly states that relationships between Gojek and partners are independent partnerships, not employment or outsourcing arrangements.

This section outlines comprehensive requirements partners must fulfill, from complete documentation and vehicle ownership to adherence to company ethics and policies, with all operational costs borne by partners. The agreement governs application usage, including account registration processes and membership restrictions, notably prohibiting account transfers or usage on unregistered devices. The enforceability section grants Gojek unilateral rights to terminate partnerships for provision violations, demonstrating Gojek's dominant contractual position.

While addressing numerous operational aspects, the agreement lacks explicit provisions requiring holder usage as mandatory equipment. However, it emphasizes that drivers bear responsibility for their own safety, passenger safety, and service user security, requiring necessary equipment provision throughout service duration. Consequently, holder usage can be interpreted as mandatory within standard operating procedures for online transportation companies, reflecting legal and moral responsibilities to ensure driver partner and service user safety.

This obligation extends beyond ethical considerations, finding firm grounding in Indonesian law, which explicitly regulates driving safety. Article 1 number 1 of the Traffic and Road Transportation Law (LLAJ) defines traffic and road transportation as a unified system comprising traffic, road transportation, networks, infrastructure, vehicles, drivers, road users, and management. Article 3 emphasizes realizing safe, orderly, integrated traffic services supporting public welfare while upholding law enforcement, legal certainty, and traffic ethics establishment.

Article 106 paragraph (1) of the LLAJ Law mandates that "Every person who drives a motorized vehicle on the road is obliged to drive his vehicle reasonably and with full concentration." This provision raises serious questions regarding online motorcycle taxi drivers, who frequently interact with cell phones to view maps or receive orders. Article 283 strengthens this requirement, stating that anyone driving motor vehicles unreasonably or engaging in concentration-impairing activities faces imprisonment up to three months or fines up to IDR 750,000. This demonstrates that impaired driving concentration, including cell phone usage consequences, constitutes violations subject to legal sanctions.

Legal violations occur due to various contributing factors: (a) substantial factors involving law quality and societal application; (b) structural factors related to law enforcement supervision; (c) facilities factors including inadequate infrastructure and safety equipment; (d) social factors such as low safe driving awareness; and (e) cultural factors involving customs and social values (Krisna et al., 2021). Digital application usage via mobile phones represents an integral component of online motorcycle taxi driver work. Without assistive devices like holders, this activity violates legal requirements mandating reasonable and focused driving. Therefore, holder usage provides practical solutions supporting safety while bridging technological needs with existing legal requirements.

Safety protection efforts are outlined in Minister of Transportation Regulation No. 12 of 2019 concerning Protection of Motorcycle Users for Public Use, developed responding to ride-sharing service developments. Article 4 regulates safety requirements including driver health, valid driver's license and vehicle registration possession, passenger limitations, and operating area control. Drivers must verify motorcycle roadworthiness, drive with full concentration, and wear SNI-standard attributes and helmets. Article 8 requires application companies to provide shelters ensuring regularity for information technology-based public motorcycle usage, promoting driver and passenger comfort.

However, this regulation lacks explicit provisions mandating assistive devices like holders, focusing primarily on SNI-compliant helmets and administrative requirements. Yet mobile phone interaction remains vital for daily driver operations, creating significant regulatory gaps. This situation presents driver dilemmas: ignoring phones disrupts service, while continued usage increases

accident risks and potential legal violations. Regrettably, safety responsibility falls more heavily on drivers than application companies.

Application provider companies are not required to provide tools such as holders, evidenced by absent company policies regulating this requirement, necessitating driver initiatives using holders as safety aids. Within app-based partnership frameworks, companies reap the greatest economic benefits. Ideally, companies should provide safety equipment for driver partners or ensure uniform digital safety standard implementation as corporate responsibility providing safety facilities supporting driver operations.

The current regulatory framework creates an imbalanced situation where drivers bear disproportionate safety responsibilities while companies enjoy economic benefits without corresponding safety obligations. The LLAJ Law and Minister of Transportation Regulation aim to facilitate online transportation implementation, with online motorcycle taxis currently highly sought after, offering numerous public benefits and conveniences. However, the absence of specific holder requirements represents a critical gap that must be addressed to ensure comprehensive safety protection for all stakeholders in the online transportation ecosystem.

#### 4. CONCLUSION

This research shows that the safety of online motorcycle taxi drivers, particularly those using cell phones while driving, is still not optimally protected. Field findings indicate that most drivers use their phones without a holder due to the lack of clearly regulated requirements. This situation creates a legal loophole that could potentially endanger the safety of both drivers and other road users.

The Road Traffic and Traffic Law (LLAJ) does prohibit activities that distract attention while driving, but it does not specifically stipulate the mandatory use of a holder. From a sadd adz-dzari'ah perspective, preventing potential harm must be prioritized, so that the use of a holder is not only technically useful for facilitating work but also has ethical and sharia values in ensuring safety. Therefore, the urgency of establishing a holder requirement is crucial as a preventative measure to maintain safety and prevent the possibility of harm.

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